

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 08, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LUXOTTICA GROUP, S.p.A., an Italian
Corporation, and OAKLEY, INC., a
Washington Corporation,
Plaintiffs,
v.

No. 2:22-CV-00167-SAB

SEMERE & GIDEON d/b/a South Hill
Market, GIDEON TESFA, individually, and
OGBAI TESFA, individually,
Defendants.

**ORDER GRANTING MOTION
FOR STIPULATED
PERMANENT INJUNCTION**

Before the Court is the Parties' Motion for a Stipulated Permanent Injunction. ECF No. 11. Plaintiffs are represented by Reid Johnson, Darin Klemchuck, and Mandi Phillips. Defendants are represented by Marcellus Chase and Timothy Nault.

The Parties announced to the Court that they have reached an agreement and settled all of Plaintiffs' claims against Defendants in this matter conditioned on the entry of this stipulated injunction. *Id.* at 2. The Court finds good cause to grant the Motion for a Stipulated Permanent Injunction.

**ORDER GRANTING MOTION FOR STIPULATED PERMANENT
INJUNCTION # 1**

1 The Court finds that it has jurisdiction over Defendants and over the subject
2 matter of this action, that venue is proper, and that all substantive and procedural
3 requirements to enter this Stipulated Permanent Injunction have been met or
4 waived. All objections to the form of this Stipulated Permanent Injunction, its
5 enforceability, and/or its compliance with the Federal Rules of Civil Procedure are
6 hereby waived by Defendants. Defendants agree and stipulate that this Stipulated
7 Permanent Injunction will be entered without findings of fact and conclusions of
8 law and waive all rights to request such findings or conclusions.

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. The Parties' Motion for a Stipulated Permanent Injunction, ECF No.
11 11, is **GRANTED**.

12 2. In accordance with Federal Rule of Civil Procedure 65, Defendants,
13 their agents, employees, and attorneys and all those persons in active concert or
14 participation with them with notice of this Order are hereby immediately and
15 permanently enjoined from:

16 a. Knowingly using any of Plaintiffs' trademarks, as identified in
17 Exhibit A-1 of Plaintiffs' Motion (ECF No. 11), or marks identical and/or
18 confusingly similar thereto to advertise, market, promote, display and/or
19 offer for sale products that do not in fact originate from Plaintiffs' brands.
20 The prohibition includes the sale of products and/or use of exhibition boxes
21 displaying labels bearing the Plaintiffs' Ray-Ban® brand and Oakley®
22 brand.

23 b. Representing that any products advertised, marketed, promoted,
24 displayed, and/or offered for sale by Defendants are in any way sponsored
25 by, approved by, affiliated with, associated with, or originate by Plaintiffs.

26 c. Knowingly assisting, aiding, or attempting to assist or aid any
27 other person or entity in performing any of the prohibited activities referred
28 to above.

1 d. Knowingly affecting any transactions, assignments or transfers,
2 or forming new entities or associations to circumvent the prohibitions
3 referred to above.

4 3. The Court retains jurisdiction over this matter and the parties in the
5 event there is a dispute regarding enforcement or a violation of this injunction. All
6 relief not expressly granted herein is denied.

7 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
8 and forward copies to counsel.

9 **DATED** this 8th day of November 2022.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

15 Stanley A. Bastian
16 Chief United States District Judge
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